

<div>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</div>		<div>FOR COURT USE ONLY</div>	
<div><div><input type="checkbox"/> Individual appearing without attorney</div><div><input type="checkbox"/> Attorney for:</div></div>			
<div>UNITED STATES BANKRUPTCY COURT</div> <div>CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION</div>			
<div>In re:</div>		<div>CASE NO.:</div>	
		<div>CHAPTER: 11</div>	
		<div>NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER PURSUANT TO 11 U.S.C. § 363 SETTING BUDGET FOR INTERIM USE OF ESTATE PROPERTY AS DEFINED IN 11 U.S.C. § 1115</div>	
<div>Debtor(s).</div>		<div>This motion is being made under <u>ONLY ONE</u> of the following notice procedures:</div>	
		<div><div><input type="checkbox"/> No hearing unless requested under LBR 9013-1(o)(4); or</div><div><input type="checkbox"/> Hearing requested on emergency basis: LBR 9075-1(a); or</div><div><input type="checkbox"/> Hearing requested on shortened notice: LBR 9075-1(b); or</div><div><input type="checkbox"/> Hearing set on regular notice: LBR 9013-1(c):</div></div>	
		<div>DATE:</div>	
		<div>TIME:</div>	
		<div>COURTROOM:</div>	
<div>PLACE:</div>			

1. **PLEASE TAKE NOTICE THAT** Debtor moves this court for an order setting a budget for interim use of estate property as defined in 11 U.S.C. § 1115.
2. **NOTICE PROVISIONS AND DEADLINES FOR FILING AND SERVING A WRITTEN RESPONSE:** Your rights might be affected by this Motion. You may want to consult an attorney. Refer to the box checked below for the deadline to file and serve a written response. If you fail to timely file and serve a written response, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief. You must serve

a copy of your opposition upon the Debtor and Debtor's attorney and the United States trustee, and also serve a copy on the judge pursuant to LBR 5005-2(d) and the Court Manual.

- a. ☐ **No Hearing Scheduled; Notice Provided Under LBR 9013-1(o):** This Motion is filed by Debtor pursuant to LBR 9013-1(o), which provides for granting of motions without a hearing. The full Motion is attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response and request for hearing with the court and serve it as stated above **no later than 14 days after the date stated on the Proof of Service of this Motion** plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). Your opposition must comply with LBR 9013-1(f) and (o).
- b. ☐ **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** Debtor has contacted the court and requested an emergency hearing on less than 48 hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
- c. ☐ **Hearing Requested on Shortened Notice under LBR 9075-1(b):** Debtor has filed a separate motion asking the court to set a hearing on shortened notice, titled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice. The deadline to file and serve a written response will be contained in this document. If the court denies the Application, the Debtor will provide written notice of a regular hearing date or other proposed disposition of this motion.
- d. ☐ **Hearing Set on Regular Notice; Notice Provided Under LBR 9013-1(c):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(c). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-scheduling procedures [LBR 9013-1(b)].
- e. ☐ **Other (specify):** _____

Date: _____

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

Date: _____

By: _____
Signature of attorney for Debtor, if any

Name: _____
Printed name of attorney for Debtor, if any

**MOTION FOR ORDER PURSUANT TO 11 U.S.C. § 363 SETTING BUDGET FOR
INTERIM USE OF ESTATE PROPERTY AS DEFINED IN 11 U.S.C. § 1115**

In order for the Debtor to reorganize effectively, Debtor must pay for reasonable actual household and/or business expenses.

1. Debtor's postpetition income is property of the estate pursuant to 11 U.S.C. § 1115.
2. Debtor requires the use of property of the estate to provide for reasonable and necessary living expenses, tax withholdings and ongoing payroll check reductions.
3. Debtor has filed Debtor's Schedules I & J showing projected gross income, tax withholdings, other deductions and necessary living expenses with the court. Copies are attached as Exhibit A & Exhibit B, respectively, to the declaration accompanying this Motion. The Debtor's gross income, tax withholdings and other deductions are set forth in Exhibit A and the Debtor's budget of approximate expenses by category is set forth in Exhibit B.
4. Debtor requests approval for all deductions from gross income listed on Schedule I. Debtor requests use of \$_____, which is the total amount stated at line 18 of Schedule J.
5. Debtor understands that Debtor is not authorized to use Cash Collateral without the permission of the secured creditor or a separate order of this court.
6. Debtor understands that Debtor is required to file timely Monthly Operating Reports with the court and serve the original on the United States trustee. Debtor further understands that all estate property, including the amount approved for Debtor's personal use herein, must be detailed in the Monthly Operating Reports.

WHEREFORE, Debtor requests that the court authorize the Debtor pursuant to 11 U.S.C. § 363 to use property of the estate as defined in 11 U.S.C. § 1115 to pay expenses as listed in the budget, attached as Exhibit B and described herein.

Date: _____

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

Date: _____

By: _____
Signature of attorney for Debtor, if any

Name: _____
Printed name of attorney for Debtor, if any

**DECLARATION OF DEBTOR IN SUPPORT OF MOTION SETTING BUDGET FOR
AN INTERIM ORDER PURSUANT TO 11 U.S.C. § 363 AUTHORIZING DEBTOR
TO USE PROPERTY OF THE ESTATE AS DEFINED IN 11 U.S.C. § 1115**

1. I am the Debtor in this chapter 11 bankruptcy case. I make the following statements based upon my own personal knowledge.

2. I have attached as Exhibit A and Exhibit B, respectively, true and correct copies of my Schedule I & J as filed with this court.

3. The total monthly payroll tax withholdings and other deductions set forth in Exhibit A is \$_____. My proposed monthly living expense budget as set forth in Exhibit B is \$_____ per month as set forth in this motion.

4. Based upon my knowledge and experience, this is a reasonable estimate of my average or projected household and business expenses.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER PURSUANT TO 11 U.S.C. § 363 SETTING BUDGET FOR INTERIM USE OF ESTATE PROPERTY AS DEFINED IN 11 U.S.C. § 1115** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.